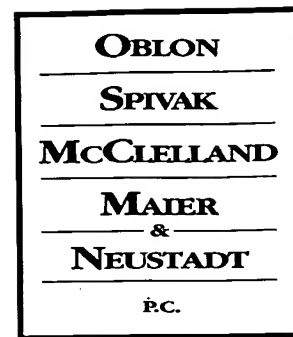




Docket No.: 218472US0X



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/075,460
Applicants: Bettina MOECKEL, et al.
Filing Date: February 15, 2002
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR
THE RPSL GENE
Group Art Unit: 1652
Examiner: R. Hutson

RECEIVED
JUN 20 2003
TECH CENTER 1600/2900

SIR:

Attached hereto for filing are the following papers:

Election and Response to Restriction Requirement

Our check in the amount of 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Norman F. Oblon

Registration No. 24,618



22850

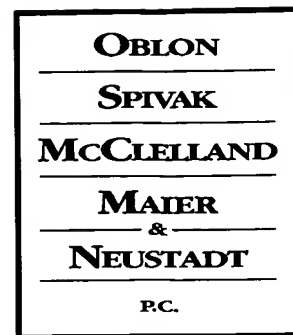
(703) 413-3000 (phone)
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Thomas M. Cunningham
Registration No. 45,394



Docket No.: 218472US0X

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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SIR:

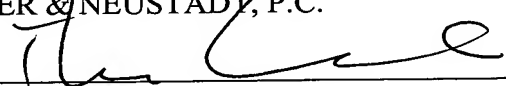
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Application No. 10/075,460

Reply to Office Action of May 22, 2003

DOCKET NO: 218472US0X

#6
AP

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

BETTINA MOECKEL, ET AL

SERIAL NO: 10/075,460

FILED: FEBRUARY 15, 2002

FOR: NUCLEOTIDE SEQUENCES
WHICH CODE FOR THE RPSL GENE



: EXAMINER: HUTSON, R.

: GROUP ART UNIT: 1652

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ELECTION AND RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed May 22, 2003, the Applicants elect with traverse Group I, claims 1-11, 24 and 31-40, drawn to polynucleotides and host cells, such as those encoding an *rpsL* gene.

The traverse is on the basis that the Office has not adequately established that Groups I, II and III are independent and distinct from one another. Moreover, the Applicants respectfully submit that no undue burden would be imposed on the Examiner in conducting an Examination of all three groups together, because similar subject matter is encompassed by each group. For instance, the methods of Group II involve fermentation of bacteria encoding the *rpsL* gene, see independent Claim 12. The process of Group III, see independent Claim 25 employ the polynucleotides of Group I. Thus, the Applicants respectfully submit that the subject matter of Groups I, II and III is interrelated and a search of Group I would also substantially cover the subject matter of Groups II and III.

In the event that the restriction requirement is maintained, the Applicants respectfully request that the claims of the nonelected groups which depend from or include all the limitations of those of Group I, be rejoined upon an indication of allowability for the elected claims, see MPEP 821.04.

In view of the above remarks, the Applicants respectfully request that the Restriction Requirement be withdrawn and all the claims be examined together.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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